

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**1) SAFECO INSURANCE COMPANY
OF AMERICA,**

Petitioner,

v.

**2) CARTHUS SANFORD, and
3) GWENDOLYN SANFORD,**

Respondents.

Case No. CIV-20-338-D

**Petition for Appointment
of Neutral Umpire**

PETITION FOR APPOINTMENT OF NEUTRAL UMPIRE

Petitioner, Safeco Insurance Company of America ("Safeco"), respectfully requests that the United States District Court for the Western District of Oklahoma appoint a neutral umpire in this matter. In further support of this Petition, Safeco alleges and states as follows:

1. Safeco is a corporation organized under the laws of the State of New Hampshire with its principal place of business located in Boston, Massachusetts.

2. Respondents Carthus and Gwendolyn Sanford (the "Sanfords") are citizens of the State of Oklahoma.

3. Safeco invokes this Court's diversity jurisdiction pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. This matter is between citizens of different states and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

4. Venue is proper in this district pursuant to 28 U.S.C. § 1391 because the

property that is the subject of this action is located in this judicial district

5. The Sanfords had in effect from January 18, 2018, to January 18, 2019, a homeowners' insurance Policy with Safeco, no OX5990719 (the "Policy"), relating to their property located at 10041 SE 57th Street, Oklahoma City, OK 73150 (the "Property"). The Sanfords are the named insureds on the Policy.¹

6. On or about November 30, 2018, the Property sustained storm damage resulting in insurance claim no. 039136891 with Safeco.

7. The Sanfords and Safeco have a dispute as to the amount of the Sanfords' claim. Although Safeco has made multiple payments related to claim no. 039136891, the Sanfords and Safeco have been unable to agree on the amount of the loss.

8. The Sanfords demanded appraisal as set forth under the Policy and selected Coppermark Consulting Corp. as their appraiser. Safeco selected Jack Browning as its appraiser.

9. Safeco and the Sanfords' appraisers have been unable to agree as to the amount of the loss.

10. Pursuant to the terms and conditions of the Policy, Safeco requests that the Court appoint a neutral umpire to determine the amount of the loss.

11. Safeco recommends to the Court the following possible umpires to serve in this matter:

- Mike Lee, Western Claims, (405)-840-1734, Oklahoma City, Oklahoma.

¹ A copy of the Policy is attached as Exhibit 1 for the Court's reference.

- Albert Gardner, Executive General Adjuster for VeriClaim, (816)-223-9823, Overland Park, Kansas.

12. Safeco requests that if the Court is not inclined to appoint an umpire from Safeco's proposed candidates set forth in Paragraph 11, that the Court appoint a neutral umpire of its own selection.

Therefore, as set forth herein, Petitioner Safeco Insurance Company of America respectfully requests that the Court appoint a competent and impartial umpire to evaluate and determine the damages sustained by the Property owned by Respondents Carthus and Gwendolyn Sanford, in order to calculate the amount of the loss.

Respectfully submitted,

**HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.**

s/William W. O'Connor

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**ATTORNEYS FOR PETITIONER
SAFECO INSURANCE COMPANY OF
AMERICA**

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of April, 2020, a true and correct copy of the foregoing document was served via certified U.S. Mail, postage prepaid, to:

Carthus and Gwendolyn Sanford
10041 SE 57th Street
Oklahoma City, OK 73150

Pro Se

s/William W. O'Connor

William W. O'Connor

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